

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

OP.No. 13709 of 1998(F)

PETITIONERS:

1. **P.P.BALAKRISHNAN,
HEAD CLERK, O/O.SUPERINTENDENT OF SURVEY AND
LAND RECORDS (RE-SURVEY), SREEKANNAPURAM, KANNUR.**
2. **I.V.NARAYANAN,
SPECIAL REVENUE INSPECTOR (R.R.),
TALUK OFFICE, TALIPARAMBA.**
3. **P.NARAYANAN,
SPECIAL REVENUE INSPECTOR,
O/O.SPECIAL TAHSILDAR (LA.NO.4),
MOOVATTUPUZHA VALLEY IRRIGATION PROJECT,
KOOHATTUKULAM.**

**BY ADV. SRI.N.SUGATHAN
SRI.S.SANTHOSH KUMAR**

RESPONDENTS:

1. **THE STATE OF KERALA, REPRESENTED BY THE SECRETARY
TO GOVERNMENT, REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.**
2. **THE COMMISSIONER FOR LAND REVENUE,
THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. R. LAKSHMI NARAYANAN for R1&R2

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

KSS

ORDER ON C.M.P.NO.24115/1998 IN O.P.NO.13709/1998

DISMISSED

7/09/2007

SD/- K.BALAKRISHNAN NAIR, JUDGE

SD/- T.R.RAMACHANDRAN NAIR,JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: COPY OF PROCEEDINGS NO.LR(E)7-62/97 DTD. 18/02/1997 OF THE BOARD OF REVENUE.**
- EXT.P2: RELEVANT EXTRACT OF THE SENIORITY LIST OF VILLAGE OFFICERS FOR THE PERIOD FROM 1/11/1956 TO 9/9/1984.**
- EXT.P3: COPY OF PROCEEDINGS NO.LR(E)5-555/97 DTD. 9/12/1997 OF THE BOARD OF REVENUE.**
- EXT.P4: COPY OF REPRESENTATION DTD. 11/12/1997 SUBMITTED BY THE PETITIONER TO THE BOARD OF REVENUE.**
- EXT.P5: COPY OF PROCEEDINGS NO.LR(E)5-7739/98 DTD. 1/04/1998 OF THE BOARD OF REVENUE.**
- EXT.P6: COPY OF JUDGMENT DTD. 19/07/1995 IN O.P.NO.13981/94 OF THE HON'BLE HIGH COURT OF KERALA.**

/TRUE COPY/

P.S.TO JUDGE

KSS

K.BALAKRISHNAN NAIR &
T.R.RAMACHANDRAN NAIR, JJ.

O.P. NO.13709 OF 1998-F

Dated 7th September, 2007.

JUDGMENT

Balakrishnan Nair, J.

This Original Petition was referred to the Division Bench, doubting the correctness of the decision of the Single Bench in **Mathew v. State of Kerala** [ILR 1985(1) Kerala 657]. A Division Bench of this Court in **Sarojini Amma v. State of Kerala** [2002(3) KLT 573] held that the said decision lays down the correct legal position. We are in respectful agreement with the said decision of the Division Bench of this Court. Accordingly, the Original Petition is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/

K.BALAKRISHNAN NAIR &
T.R.RAMACHANDRAN NAIR, JJ.

O.P. NO.13709/1998-F

JUDGMENT

7.9.2007